

UNITED STATES FEDERAL COURT  
EASTERN DISTRICT

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CHARMINAR BIRYANI HOUSE, a Michigan  
limited liability company,  
Plaintiff

Case No: 2:22-cv-11747-MFL-APP  
Honorable: Matthew F. Leitman  
Magistrate: Anthony P. Patti

-VS-

CHARMINAR BIRYANI HOUSE, an Assumed Name  
Of a Valid Foreign Corporation, and  
RAJESH CHELIEVERU, and Individual

Defendants

Yasir Muhammad (P79976) DETROIT METRO LAW, PLLC Attorneys for Plaintiff/Counter- Defendant 31500 W 13 Mile Rd, Suite 210 Farmington Hills, MI 48334 Ph: (248) 2543178 Fax: (248) 988-9045 ymuhammad@detroitmetrolaw.net	Muneeb M. Ahmad, Esq (P70391) S. Hussain Akbar, Esq (P67967) AHMAD & AKBAR LAW, PLLC Attorneys for Defendant/Counter- Plaintiff 811 North Main Street, Suite 301 Royal Oak, MI 48067 Tel: (248) 519-2313 Fax: (248) 519-2399 Muneeb@ahmadandakbar.com
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**DEFENDANTS' ANSWER TO PLAINTIFF'S FIRST AMENDED  
COMPLAINT AND RELIANCE ON JURY DEMAND**

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**NOW COME**, Defendants, CHARMINAR BIRYANI HOUSE, an Assumed  
Name of a valid Foreign Corporation, and RAJESH CHELIEVERU, by and through  
their undersigned Counsel, Ahmad & Akbar Law, PLLC, and for their Answer to

Plaintiff's First Amended Complaint and Reliance on Jury Demand, hereinafter state as follows:

### **PARTIES**

1. In answering Paragraph One, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.
2. In answering Paragraph Two, Denied. Defendant CBH is an assumed name of Non-Party, Sai Saran, Inc., a Minnesota Corporation. Defendant CBH is also the name of a restaurant owned and operated by Non-Party Sri Lakshmi, Inc., a Michigan Corporation, located at 3337 Greenfield Rd, Dearborn, MI 48120.
3. In answering Paragraph Three, Admitted.

### **JURISDICTION AND VENUE**

4. In answering Paragraph Four, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required Defendants deny the allegation in this Paragraph as it calls for a legal conclusion.
5. In answering Paragraph Five, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response

is deemed required Defendants deny the allegation in this Paragraph as it calls for a legal conclusion.

### **INTRODUCTION**

6. In answering Paragraph Six, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

7. In answering Paragraph Seven, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

8. In answering Paragraph Eight, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation,

thus leaving Plaintiff to its proofs.

9. In answering Paragraph Nine, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

10. In answering Paragraph Ten, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendant neither admits nor denies because Defendant lacks knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

11. In answering Paragraph Eleven, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Admitted that Defendants starting operating CBH in 2019, Denied as to the rest of the substance of the allegation, thus leaving Plaintiff to its proof.

12. In answering Paragraph Twelve, this Paragraph of the Complaint contains

Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue.

13. In answering Paragraph Thirteen, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied.

14. In answering Paragraph Fourteen, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied.

15. In answering Paragraph Fifteen, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied. In further, response, the design concept of CBH's logo and mark was inspired from the famous and historic Charminar architecture from Hyderabad, India, and includes 2 imitation minarets, one being a fork and the other being a spoon.

16. In answering Paragraph Sixteen, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or

conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

17. In answering Paragraph Seventeen, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied. In further, response, the design concept of CBH's logo and mark was inspired from the famous and historic Charminar architecture from Hyderabad, India, and includes 2 imitation minarets, one being a fork and the other being a spoon.

18. In answering Paragraph Eighteen, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

19. In answering Paragraph Nineteen, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

**COUNT I**  
**Lanham Act – 15 U.S.C. §(s) 1125(a)**

20. In answering Paragraph Twenty, Defendant repeats and incorporates by reference, all previously pled responses.

21. In answering Paragraph Twenty-One, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

22. In answering Paragraph Twenty-Two, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

23. In answering Paragraph Twenty-Three, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

24. In answering Paragraph Twenty-Four, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent

that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

25. In answering Paragraph Twenty-Five, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

26. In answering Paragraph Twenty-Six, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

**WHEREFORE**, Defendants hereby respectfully request this Honorable Court **DENY** Plaintiff's prayers for relief in its entirety as set forth in its Complaint and to award a judgment in favor of Defendants and to dismiss this instant action and to further award costs attorney's fees wrongfully incurred in having to defend this frivolous action.

**COUNT II**  
**INJUNCTION – 15 U.S.C. §(s) 1125(c)**

27. In answering Paragraph Twenty-Seven, Defendant repeats and incorporates



by reference, all previously pled responses.

28. In answering Paragraph Twenty-Eight, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

29. In answering Paragraph Twenty-Nine, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

30. In answering Paragraph Thirty, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

31. In answering Paragraph Thirty-One, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or

conclusions of law, to which no response is required. To the extent that a response is deemed required Defendant denies the allegation in this Paragraph as it calls for a legal conclusion.

32. In answering Paragraph Thirty-Two, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required denied as the same is untrue and as it calls for a legal conclusion.

**WHEREFORE**, Defendants hereby respectfully request this Honorable Court **DENY** Plaintiff's prayers for relief in its entirety as set forth in its Complaint and to award a judgment in favor of Defendants and to dismiss this instant action and to further award costs attorney's fees wrongfully incurred in having to defend this frivolous action.

**COUNT III**  
**UNFAIR COMPETITION – MICHIGAN COMMON LAW**

33. In answering Paragraph Thirty-Three, Defendant repeats and incorporates by reference, all previously pled responses.

34. In answering Paragraph Thirty-Four, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

35. In answering Paragraph Thirty-Five, this Paragraph of the Complaint contains

Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

36. In answering Paragraph Thirty-Six, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendants neither admit nor deny because Defendants lack knowledge or information sufficient to form a belief as to the truth of this allegation, thus leaving Plaintiff to its proofs.

37. In answering Paragraph Thirty-Seven, this Paragraph of the Complaint contains Plaintiff's characterization of its actions, written documents, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is deemed required, denied as the same is untrue and as it calls for a legal conclusion.

**WHEREFORE**, Defendants hereby respectfully request this Honorable Court **DENY** Plaintiff's prayers for relief in its entirety as set forth in its Complaint and to award a judgment in favor of Defendants and to dismiss this instant action and to further award costs attorney's fees wrongfully incurred in having to defend this frivolous action.

**DEMAND FOR JURY**

Defendants hereby rely on Plaintiff's demand for trial by jury in the above-entitled action.

Respectfully Submitted,

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon:  
Counsel of Record:

On September 12, 2022 by:

- ☐ US MAIL    ☐ Fax    ☐ Hand  
delivery  
☐ Express mail    ☐ Overnight Courier  
☒ Court's Electronic Filing System  
☐ Email  
☐ Other

\_\_\_\_\_  
Signature: /s/ Muneeb M. Ahmad  
/

/s/ Muneeb M. Ahmad  
AHMAD & AKBAR LAW,  
PLLC  
Muneeb M. Ahmad (P70391)  
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